

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEIDRE SHEARS,

CASE NO. 5:14-cv-00819 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

GENTIVA HEALTH SERVICES,

Defendant(s).

On February 21, 2014, Plaintiff Deidre Shears ("Plaintiff") filed the Complaint underlying this action. See Docket Item No. 1. To date, however, the docket does not contain a proof of service or waiver of service for any defendant, and no defendant has appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:


If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The 120-day period for service provided by Rule 4(m) expired on June 21, 2014. Accordingly, the court issues the instant Order to Show Cause ("OSC") requiring that Plaintiff, no later than **July 18, 2014**, either: (1) file documents to show proof of service of the Summons and Complaint on defendant; or (2) explain in writing why service has not been accomplished. No hearing will be held on the order to show cause unless otherwise ordered by the court.

Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this OSC or otherwise fails to show good cause as directed above. In light of this order, the Case Management Conference scheduled for July 11, 2014, is VACATED.

IT IS SO ORDERED.

Dated: July 7, 2014


EDWARD J. DAVILA
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DEIDRE SHEARS,

Plaintiff,

v.

GENTIVA HEALTH SERVICES et al,

Defendant.

Case Number: CV14-00819 EJD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 7, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Deidre Shears
27 W. Anapamu St., #421
Santa Barbara, CA 93101

Dated: July 7, 2014

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk